

The Warren Records: Lesson in Suppression

Weisberg Is Handed the Secret Transcripts; Some Conspiracy Theories Lose

This is the fourth and final segment of a series on the Kennedy assassination by David R. Wrone, associate professor of history at the University of Wisconsin-Stevens Point.

Part 3 Wednesday continued the story of researcher Harold Weisberg's 10-year struggle to obtain secret transcripts in the Warren Commission records. This final installment offers a bizarre twist to the story and an interpretation of the entire series by Wrone.

By DAVID R. WRONE

On May 3, 1974, U.S. District Court Judge Gerhard Gesell ruled against Kennedy assassination researcher Harold Weisberg and his attorney, James Lesar.

Gesell decided that the Jan. 27, 1974, transcript of the Warren Commission Records sought by Weisberg was "off limits."

Attorney Lesar immediately filed a motion for reconsideration of the summary judgment. We pick up his argument opposing Gesell's "suppression" order.

Lesar pointed out that the use of the transcript precluded its ever having been compiled for law enforcement purposes. Before they were made available to law enforcement officials, several of the 86 pages of the transcript had, in effect, been sold to the public for a personal profit by Gerald Ford. In addition, the judge simply had misread Weisberg vs. Department of Justice.

This brazen act capped Weisberg's years of costly and time-consuming effort to get documents for his scholarly concerns. That the Department of Justice attorneys had fought for Rhoads and the General Services Administration to block access to it did not matter. That the act mocked the ruling of a federal judge was immaterial. That they negated the principles of their respective professions while insulting a citizen's quest for intelligence was a trivial matter apparently compared to their allegiance to a peculiar code of conduct.

Weisberg had his document. Its contents show Gerald Ford, with unindicated editing, changed it to hide its meaning when he printed it in his book. It shows the Commissioners were afraid of the FBI and discussed the "dirty rumor" that Oswald was a federal agent. Proof also was found within the transcript that the bullet entered too low, "according to the autopsy" photograph, for the killing to have been the work of a single assassin.

There is much more to the transcript which Weisberg and Lesar discuss in their book, *Whitewash IV*. But for our purposes, the question of secrecy of the Warren Commission Records, the transcript shows one important thing.

Contrary to the allegations that have appeared in the press for many years and that continue to appear from lawyers associated with the Warren Commission investigation, the transcript reveals that the Kennedy family cooperated fully with the Commission.

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The Assassination of John F. Kennedy

Having been intimately associated with the suit, Lesar convincingly elaborated on the appeal to fallacious precedent. The judge also had ignored the statements of Earl Warren, Lyndon Johnson, the attorney general, and even J. Edgar Hoover who had once declared the Records were not compiled for law enforcement purposes. But . . . to no avail.

Then the case took a bizarre twist, perhaps unique in crisis-connected lawsuits. On June 15, out of the blue and 10 years after Weisberg began attempting to get it, the mail carrier delivered the Jan. 27 transcript to him. The cover letter by Archivist Rhoads said it had just been declassified — so here it was.

The Commission members saw the autopsy evidence and the photographs associated with it, meaning also the conclusive evidence of a conspiracy therein. That is, they had the full set of autopsy film, not the doctored and incomplete material that had been revealed when the material in the Archives was opened to the public.

The autopsy film from the time it was taken until today is legally federal property and has always been in the possession of the federal government in the Archives.



John Kennedy



Lee Harvey Oswald



Jack Ruby

A Meaning?

What does this court contest then show concerning the reason for the restrictions of secrecy placed upon some Warren Commission Records? The facts clearly show that the reasons advanced through the years by irresponsible critics can be ruled out. The Kennedy family did not make "secret" the records, but instead cooperated fully in the official investigation. To state otherwise is to distort reality.

President Lyndon B. Johnson ordered the material declassified. No executive act exists that seals the Archives. Former Chairman Chief Justice Earl Warren stated explicitly that the Commission's records should be made public; that was the commissioners' understanding when they placed them in the Archives.

National defense considerations are not behind the restrictions and suppressions. The documents serve no law enforcement purposes and never did. All of this we know for certain and can draw from the evidence the reason for secrecy.

The Warren Commission Records still secret are suppressed. Suppression though has several meanings. Legitimate suppression of records is properly applied to some material. It is a necessary and vital element in a legal system. For example, it is applied to medical records of witnesses, income tax returns, material on personal non-related activities, and to the defamatory.

These are sound and good principles. They should be used. The Archives did not use them. For example, dozens of pages dealing with Marina Oswald's pregnancy are available as well as countless and utterly irrelevant psychiatric records of those whose problems include the sexual.

False suppression has no basis in principle, but roots in political motivation that suppresses ideas and rewrites history. This applies to the evidence in the John Kennedy assassination. Some Warren Commission Records are illegally suppressed.

Rules properly designed by the federal government to safeguard the rights of citizens became twisted and were construed by the Department of Justice and a bureaucracy to function in a manner contrary to the legitimate ends of democratic government. By fraud, deception and misrepresentation to the courts, the law to make public information available to all citizens was converted into a license to suppress.

Origin of Suppression

When a student of a crisis has finished his examination, he is obligated to hazard the resolution of the issue when the conclusion is left incomplete. Following the leads found in the evidence, he knows full well that the gathering of documents must continue.

With the present physical evidence, testimony and documentary analysis, the facts are firm: a highly organized group of individuals killed President John F. Kennedy. There is no other construction that can be placed upon the facts and the relations in which they stand. It is only when one pushes into the complex background that so many gaps appear in the evidentiary picture, prompting speculation based on insight.

The inability of citizens to obtain all the essential information for objective study roots in the loss of integrity in government. From the first day of the Warren Commission Report's appearance, politicians from President Johnson down through senators and congressmen to their political aides affirmed their belief in the picture it presented to the public of that sad day in Texas.

They assumed the bickering and fact-mongering heard among the public in the first few weeks after the assassination was normal and would, like the dews of night that fade with morning sun, quickly go away in the light of reason shed by the report.

Trusting politicians believed the records of the Warren Commission contained no controversial information, so they derided those who spread alarms of a sinister conspiracy. The press, politicians and academic community endorsed the conclusions of the Warren report unaware that the records could be opened to researchers and that their "secrets" tell a different story.

As the cold truth gradually dawned on the official executive branch investigators and their Commission staff

allies that after all citizens might find the facts of a conspiracy in the Warren Commission Records, some sure way had to be found to still the growing clamor, lock the door and hide the key.

They found their allies in the vast bureaucracy, not only in the National Archives, but also in the nooks and crannies of government departments everywhere. Bureaucrats joined them because they are not different from other members of the human race.

Some are like members of other professions — military and educational — who are often moved by a vision of what they hold to be greater things. They are attracted by enhanced prestige, greater power, more privileges and a ride on the sparkling political currents that carry helpful persons with them. They all knew what successful careers demanded and did their duty.

Government attorney E.J. Silbert, for example, received a promotion, being appointed by President Nixon as United States Attorney for the District of Columbia. What they had not counted on were the winter scholars and storm-battered citizens standing in 200 years of American tradition who were moved by a far wider vision.

A Summary

That a President of the United States can be shot dead on the streets of the nation he governed and the foul deed can be masked by callous forgeries, perfidious conduct, studied deceit and broken oaths shames the history and fine tradition of the nation. It belies all he stood for as a man and as our President. It invites — yes strongly suggests — comparison with the political actions of Imperial Rome or Germany of the mid-1930s.

Critics who follow the principle of objective truth have ever been repelled by acts that buckle to imposed base standards. Critics in a democracy have the double fortune of being able to pursue truth not only to the end of the political order because the essential argument of democracy is that the ends of government must be intelligently formed by the people's action.

To enable a condition for right action to exist, critics have the splendid duty of objectively presenting knowledge that ignorance cannot sway the citizen's act. That men and women continue to labor on the evidentiary foundation of the assassination of John F. Kennedy is a public good.

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WEATHER — Mostly sunny, warmer. High mid-40s. Clear tonight. Low mid-30s.

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